

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

RICHARD PAIVA,
Plaintiff,

v.

RHODE ISLAND DEPARTMENT OF
CORRECTIONS,
Defendant.

:
:
:
:
:
:
:
:

No. 17-mc-00014-JJM

ORDER OF CLARIFICATION

PATRICIA A. SULLIVAN, United States Magistrate Judge.

Now pending before the Court is the motion filed *pro se* by Petitioner Richard Paiva for clarification why his inmate trust account is being charged filing fees in connection with this case. ECF No. 86. The motion has been referred to me for determination pursuant to 28 U.S.C. § 636(b)(1)(A). Although Mr. Paiva is represented by counsel in connection with this case, the Court has accepted and resolves his motion despite it not having been filed by his attorneys.¹

The motion to clarify is granted. By way of clarification, the Court advises Mr. Paiva that the filing fee payments that began to be taken from his account in April 2021 are pursuant to an Order entered by the First Circuit Court of Appeals on July 31, 2017. ECF No. 19.

According to that Order, Mr. Paiva executed and filed with the Court of Appeals a consent form

¹ In the motion to clarify, Mr. Paiva expresses confusion regarding the status of this case, suggesting that it is closed and he is therefore unrepresented. That is not accurate. In fact, this case is open and active, together with the related case, Morris v. Trivisono, 69-cv-4192JJM. Further, the same attorneys are counsel for the class in 69-cv-4192JJM, of which Mr. Paiva is now the successor class representative, and for Mr. Paiva in this case. However, despite Mr. Paiva's status as a represented litigant in this case, in the interest of efficiency, the Court has not returned the *pro se* motion to clarify to Mr. Paiva to be addressed by his attorneys but instead is addressing it directly and resolving it now.

acquiescing to the payment in installments of the \$505 filing fee. To assist Mr. Paiva, the Clerk is directed to mail him a copy of that Order, as well as this one.

/s/ Patricia A. Sullivan
PATRICIA A. SULLIVAN
United States Magistrate Judge
August 3, 2021